

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3126
)
v.)
)
JAVIER GARCIA-HERNANDEZ,) MEMORANDUM AND ORDER
)
Defendants.)
)

The defendant has moved to continue the pretrial motion deadline currently set for January 28, 2011. Filing No. 16. Defense counsel explain they need additional time to review discovery received deciding if pretrial motions should be filed. Based on the showing set forth in the defendant's motion, the court finds the motions should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed amended motion to continue, (filing no. 16), is granted and the defendant's pretrial motions and briefs shall be filed on or before February 28, 2011.
- 2) The defendant's motion to continue, (filing no. 15), is denied as moot.
- 3) The ends of justice served by granting defendant's motion to continue the pretrial motion deadline outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motions, the time between January 28, 2011 and February 28, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 4) The trial of this case is continued pending resolution of any pretrial motions filed.

February 16, 2011

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge